

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW R. SCHLEY,

Defendant.

CASE NO. CR19-0247-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to proceed with his sentencing hearing by video conference (Dkt. No. 74). Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Defendant pled guilty to felon in possession of a firearm in October 2020. (Dkt. Nos. 59, 61, 63.) Following several continuances, his sentencing hearing is scheduled for March 31, 2021. (See Dkt. Nos. 70, 71.) However, because of the impact of the COVID-19 pandemic, except in limited circumstances, the Court remains unable to hold in-person hearings and does not expect to be able to do so until July 2021 at the earliest. See W.D. Wash. General Order 04-21. To avoid further delay, Defendant moves to proceed with his sentencing hearing remotely, consistent with the procedures in General Orders 04-20, 09-20, 14-20, 17-20, 06-21. (See Dkt. No. 74.)

Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a

1 felony sentencing hearing by video conference if the Court finds that the sentencing cannot be
2 further delayed without serious harm to the interests of justice. *See* W.D. Wash., General Order
3 No. 06-21. Defendant has a strong interest in the speedy resolution of his sentence. Moreover, he
4 has been detained since November 2019 and will be requesting a 24-month sentence. (Dkt. No.
5 74 at 2.) If he were to receive his requested sentence, he may be eligible to serve the rest of his
6 time in a halfway house or on home detention, and delaying sentencing would therefore delay
7 commencement of halfway house placement and the start of his supervised release. (*Id.*) Under
8 all of these circumstances, the Court FINDS that Defendant's sentencing hearing cannot be
9 further delayed without serious harm to the interests of justice.

10 For the foregoing reasons, the Court GRANTS Defendant's motion to proceed with his
11 sentencing hearing by video conference (Dkt. No. 74).

12 DATED this 24th day of March 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE